

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAMUEL M. ROBERTS,

Plaintiff,

-VS.-

Civil No. 11 CV 6206L

LOS ALAMOS NATIONAL SECURITY, LLC.,
AWE, PLC., MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Defendants,
Third-Party Plaintiffs,

-VS.-

UNIVERSITY OF ROCHESTER

Third-Party Defendant.

Amended RULE 36 REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Procedure, Plaintiff propounds the following requests for admission upon the Defendant, LOS ALAMOS NATIONAL SECURITY, LLC., and for the purposes of the pending action only, requests that the Defendant admit the truth of the following facts:

7. As of August 6, 2008, the University of Rochester maintained the Laser Facility Organization and Regulation Manual produced by the U of R at bates numbers UR 88 through UR 231.

8. As of August 6, 2008, the University of Rochester required Principal Investigators to comply with the regulations contained in the Laser Facility Organization

and Regulation Manual produced by the U of R at bates numbers UR 88 through UR 231.

9. As of August 6, 2008, the University of Rochester's Laser Facility Organization and Regulation Manual produced by the U of R at bates numbers UR 88 through UR 231, at section 4.1, required Principal Investigators to complete an OMEGA familiarization before conducting their first experiment.

10. As of August 6, 2008, the OMEGA familiarization referred to above included a briefing on OMEGA and/or OMEGA EP capabilities, a review of Principal Investigator responsibilities, a safety briefing, a Tour of OMEGA/OMEGA EP, observation of operations, target metrology and positioning requirements, and a briefing on diagnostic procedures.

11. As of August 6, 2008, the University of Rochester's Laser Facility Organization and Regulation Manual produced by the U of R at bates numbers UR 88 through UR 231, at section 4.3.1.5 provides, in part, that "During the actual execution of the experiments, the principal investigator will act as an advisor to the LLE Shot Director and may be called upon to render advice on whether to proceed with the planned experiments in the event of abnormal system performance."

12. As of August 6, 2008, the University of Rochester maintained the National Laser Users' Facility-Users' Guide produced by the U of R at bates numbers UR 232 through UR 434.

13. As of August 6, 2008, the University of Rochester required users of the LLE to comply with the regulations contained in the National Laser Users' Facility-Users' Guide produced by the U of R at bates numbers UR 232 through UR 434.

14. Los Alamos National Laboratory, LLC was a user of the LLE on August 6, 2008, as the term "user" is used in the University of Rochester's National Laser Users' Facility-Users' Guide produced by the U of R at bates numbers UR 232 through UR 434.


15. AWE, Plc. was a user of the LLE on August 6, 2008, as the term "user" is used in the University of Rochester's National Laser Users' Facility-Users' Guide produced by the U of R at bates numbers UR 232 through UR 434.

16. Massachusetts Institute of Technology was a user of the LLE on August 6, 2006, as the term "user" is used in the University of Rochester's National Laser Users' Facility-Users' Guide produced by the U of R at bates numbers UR 232 through UR 434.

17. As of August 6, 2008, the University of Rochester's National Laser Users' Facility-Users' Guide produced by the U of R at bates numbers UR 232 through UR 434, required at section 4.2 that "Users must comply with all relevant safety policies and procedures in place at the UR/LLE."

18. As of August 6, 2008, the University of Rochester's National Laser Users' Facility-Users' Guide produced by the U of R at bates numbers UR 232 through UR 434, at section 4.2 required that safety at the University of Rochester Laboratory for Laser Energetics "is the responsibility of each user, regardless of activities".

DATED: August 9, 2012
Rochester, New York



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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2012, I served a true and accurate copy of the foregoing Amended Rule 36 Requests for Admission, by placing a true copy thereof enclosed in a post-paid wrapper in a depository, under the exclusive custody and control of the United State Postal Service, addressed to:

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Louis J. Micca